

Ryan Foltz, WSBA #30696
Gordon & Rees, LLP
701 5th Avenue, Suite 2100
Seattle, Washington 98104
Phone: (206) 695-5100
Fax: (206) 689-2822
rfoltz@gordonrees.com

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

CHOICE HOTELS INTERNATIONAL,
INC.,

Plaintiff,

v.

KUMAR & BIRLA, LLC, a Washington
limited liability company; INDERJIT
KUMAR, an Individual; REEMA DATT
BIRLA, an Individual; and, DEV DUTT
BIRLA, an Individual,

Defendants.

No. CV-11-5100-LRS

**ORDER RE PRELIMINARY
INJUNCTION**

GOOD CAUSE APPEARING and based upon the facts, authorities, and
evidence presented in and with Plaintiff Choice Hotels International, Inc.'s
Application for Temporary Restraining Order and/or an Order to Show Cause
Why a Preliminary Injunction Should Not Be Entered (Docs. 4 through 7), this
Court's issuance of the Temporary Restraining Order and Order to Show Cause

ORDER RE PRELIMINARY INJUNCTION

- 1

GORDON & REES LLP
701 5th Avenue, Suite 2100
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

(Doc. 13), and the Stipulation of Defendants to Entry of Preliminary Injunction (Doc. 19), the following is hereby ordered:

(1) A preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure shall issue, and hereby is issued, to restrain and enjoin defendants Kumar & Birla, LLC, Inderjit Kumar, Reema Datt Birla, and, Dev Dutt Birla (collectively “Defendants”), collectively and respectively, as well as each or any of their agents, servants, employees, attorneys, and all those in active concert with them from:

a) displaying, advertising, marketing, promoting, stating or suggesting affiliation with, or otherwise using in commerce, or contributing to the use of in commerce, any of the ECONO LODGE family of marks, as are defined below, or using or contributing to the use in commerce any goods, products, or tangible property bearing any of the ECONO LODGE family of marks;

b) Engaging in any activity that misleads or confuses or is likely to mislead or confuse the public to the detriment of Choice Hotels, including (without limitation) any activity that constitutes a violation of 15 U.S.C. § 1125(a)(1);

c) Engaging in any activity that could or is likely to lead anyone to believe that any product or service has been produced, distributed, offered,

1 advertised, displayed, licensed, sponsored, approved, authorized, or otherwise
2 used in commerce by or for Choice Hotels, when such is not true in fact; and/or ,
3

4 d) Assisting, aiding, abetting, or contributing to any other person or
5 entity in engaging in or performing any of the activities referred to above.

6 The “ECONO LODGE family of marks,” as the term is used herein, refers
7 to and includes the following:
8

9 • United States Trademark Registration No. 813,642 for the mark
10 ECONO LODGE;
11

12 • United States Trademark Registration No. 1,799,814 for the mark
13 ECONO LODGE + Design;
14

15 • United States Trademark Registration No. 2,178,518 for the mark
16 ECONO LODGE;
17

18 • United States Trademark Registration No. 2,878,530 for the mark
19 ECONO LODGE INN & SUITES;
20

21 • United States Trademark Registration No. 3,489,688 for the mark
22 E ECONO LODGE + Design;
23

24 • United States Trademark Registration No. 3,522,065 for the mark E
25 ECONO LODGE + Design;
26

• United States Trademark Registration No. 3,522,067 for the mark E

1 ECONO LODGE INN & SUITES + Design; and,

- 2 • United States Trademark Registration No. 3,522,199 for the mark E

3
4 ECONO LODGE INN & SUITES + Design.

5 **IT IS SO ORDERED.**

6 DATED this 22nd day of August, 2011.

7 *s/Lonny R. Suko*

8
9 The Honorable Lonny R. Suko
10 Judge, U.S. District Court for the
11 Eastern District of Washington

12 Presented by:

13 GORDON & REES LLP

14 */s/ Ryan G. Foltz*

15 Ryan G. Foltz, WSBA No. 30696
16 Attorneys for Plaintiffs